FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.675 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.S.Jagtap & J.V.Desai for the applicant.

Mr.D.M.Tailor for Respondent no.1.

Mr.D.R.More, APP for the State.

Coram : R.S.Mohite,J

Date : 22.2.2006.

PC

1. Heard both sides. It is seen that the appeal against conviction under Section 138 of N.I. Act is pending before the Sessions Court at Sewree. In the said appeal on 15.1.2006 Sessions Court passed an order granting stay of the conviction and sentence till 14.2.2006. On 10.2.2006 on an application made by the present applicant, the Court observed that there was no suspension on the sentence of fine or any stay to deposit of the fine amount passed by the Court. This order appears

to be erroneous as perusal of the order dated 15.1.2006 indicates that there is a stay of the conviction and sentence. The word "sentence" would obviously mean both imprisonment as well as fine which are components of the sentence imposed. I am informed that the matter is now posted on 27.2.2006. In the circumstances, the stay of the conviction and sentence, including the sentence of fine is stayed upto 27.2.2006. On 27.2.2006 the Sessions Judge hearing the appeal will apply his mind and decide as to whether the conviction and/or sentence is required to be suspended pending the disposal of the appeal and if it comes to the conclusion that it is required to be suspended, the conditions on which such suspension is to be granted. With these observations, application is disposed of.

(R.S.Mohite,J)